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TAGS: [KDEM](#) [PHUM](#) [PGOV](#) [PINR](#) [RS](#)  
SUBJECT: CASE CONTINUES AGAINST HUMAN RIGHTS ACTIVIST  
PONOMAREV

Classified By: Ambassador William J. Burns. Reasons: 1.4 (b,d).

¶1. (C) Summary: The slander case against "For Human Rights" Chairman Lev Ponomarev that was opened on February 22 continued to move forward the week of February 25 with Ponomarev called in for questioning on February 26 and case materials provided to Ponomarev's lawyer the same day. In conversations February 26 and 27, Ponomarev and other human rights activists traced the case to a combination of bad blood between Ponomarev and the GOR official he allegedly slandered --prison system chief Yuriy Kalinin-- as well as GOR agencies attempting to demonstrate their usefulness in advance of the presidential succession and anxiety in some government quarters as the succession process proceeds. Ponomarev and Moscow Helsinki Group Chairman Lyudmila Alekseyeva believe that with the completion of the succession process the case may not go to trial. If it does go to trial, they expect that Ponomarev will be found guilty, but sentenced only to pay a fine rather than serve a term of incarceration. Ponomarev guessed the trial could take place within the month. Ambassador raised the Ponomarev case with MFA DFM Yakovenko February 26. Yakovenko had no substantive comment. End summary.

#### Long-Running Case

¶2. (C) As widely reported in the media, on February 22, a criminal case was opened against "For Human Rights" Chairman Lev Ponomarev for Ponomarev's alleged slander of the Director of the Federal Service for the Execution of Punishments (FSEP) Director, General Yuriy Kalinin. The criminal case was opened on the basis of an April 23, 2007, decision of a Moscow court, which found false Ponomarev's accusation that Kalinin was responsible for torture that was occurring in Russia's prison system. The Moscow court agreed that Kalinin had been slandered in a November 10, 2006, article, entitled "During Kalinin's Reign Forty Torture Zones Have Appeared in Russia." The news agency that published Ponomarev's article, Regnum, issued a retraction after a court ruling.

¶3. (C) Ponomarev has signed an agreement not to leave the country while the investigation proceeds. Depending on what subsection of Russian Criminal Code Article 129 (defamation) he is charged with, if found guilty, Ponomarev could be forced to pay a fine or serve as much as three years in prison.

Ponomarev, Other HR Activists  
Think Fine, Not Prison, Likely  
Outcome

¶4. (C) In a February 27 conversation, Ponomarev guessed that the case against him was "indirectly" associated with the March 2 presidential elections and the succession process,

with Kalinin and others attempting to demonstrate to the incoming Medvedev team that he will be "necessary to his administration." Ponomarev also noted that his relations with the FSEP Chief have been bad for several years. Ponomarev's repeated calls for Kalinin's resignation and his efforts to hold Kalinin personally responsible for abuses in the prison system had gone down badly with the General. Ponomarev acknowledged that the sentence, if he is found guilty, could range from a fine to three years. He had been questioned February 26, Ponomarev said, and his lawyer, Igor Meskhiyev, was currently acquainting himself with the case evidence. (Meskhiyev has been the lawyer for Yukos defendant Platon Lebedev.) Ponomarev expected that the trial, if it occurred, would take place within one month. Interestingly, Ponomarev did not trace his current difficulties to the February 12 Wall Street Journal article, entitled "Putin's Torture Colonies" in which he is prominently cited.

15. (C) In a separate, February 27 conversation Moscow Helsinki Watch Chairman Lyudmila Alekseyeva suggested that election anxiety may have contributed to Ponomarev's troubles; "although I don't understand why they are anxious," she added. Alekseyeva suggested that the authorities during the transition period, "even without orders from above," felt it necessary to "ensure order" and, more importantly, to demonstrate to their superiors that they are doing so. Pointing to the large number of police that have been on Moscow's streets in the last several days, Alekseyeva said she had asked a special forces commander if they had been ordered to deploy, and been told "no." "They just want to show their bosses they are ready for anything," she said. Alekseyeva predicted that the case will go nowhere. The charges are "nonsense," she said, but even so, the local human rights community was gearing up to make noise about Ponomarev's plight. Alekseyeva did not mention the WSJ

article as a cause of Ponomarev's troubles.

16. (C) Tanya Lokshina of Human Rights Watch February 27 ascribed the case to GOR "agencies trying to strengthen their positions" in advance of the succession. She was less convinced that any insecurity about the upcoming succession remained, as "the opposition has been vanquished." Like Alekseyeva, Lokshina thought that initial furor would soon die down, and that, at worse, Ponomarev would have to pay a fine.

17. (C) In a February 26 conversation, William Smirnov of the Presidential Council of Human Rights backed Ponomarev's criticisms of the prison system, but thought that attempting to trace all of its problems personally to Kalinin was a tactical error. Unlike the others, Smirnov thought that the case could produce serious problems for Ponomarev, but he guessed that a symbolic punishment was more likely, as anything else would be "not the best way for a new president to begin" his term of office.

18. (C) In a February 26 conversation, Ambassador raised the Ponomarev affair with MFA DFM Yakovenko. Yakovenko had no substantive comment.

Comment

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19. (C) It seems hard to believe that the February 12 article did not stimulate renewed interest on the part of the authorities in this long-dormant case. It is possible that the article jogged the memories of those with both an ax to grind against Ponomarev and an urge to make themselves useful as the succession process continues and a new president prepares to take his place in the Kremlin. Ambassador will continue to raise the Ponomarev case with GOR representatives.

BURNS